

### **Remarks/Arguments**

The present amendment is made response to the non-final Office Action dated June 12, 2008 and identified as Paper No. 20080523. Claims 1-12 are pending.

In the Action, the Examiner rejected claims 1, 4, 6, and 7 under 35 U.S.C. § 102(b) as anticipated by European Patent No. 1,253,511 to Korst ("*Korst*"). Claims 2, 3, 5, and 8-12 were rejected under 35 U.S.C. § 103(a) as being unpatentable over *Korst* in view of U.S. Patent No. 6,415,341 to Fry ("*Fry*").

#### **I. Claim Amendments**

Applicant has amended claim 8 to correct the objection noted by the Examiner.

#### **II. 35 U.S.C. § 102(b) Rejections in view of *Korst***

According to the Examiner, *Korst* discloses all of the elements of the claimed invention. A closer look at the disclosure in *Korst* reveals that the reference does not, in fact, disclose any of the elements recited in claim 1. Generally, *Korst* is directed to a system that substitutes the character set in a legacy application with the character set used by a newer printer so that the new printer may be used with the old application. *Korst* is utterly silent as to command strings and has nothing to do with the printing of graphics or the control of the printing of graphics, such as suspending the printing of graphics.

First, the Examiner contends that *Korst* discloses "identifying a triggering byte string to act as a trigger for indicating the suspension of printing of said special effect on said output media." In the portion of the specification identified by the Examiner, *Korst* discloses identifying the text characters in the old system that must be replaced with new characters for the new printer in order for proper printing, and then creating a character substitution table to effect the translation of print data from the old character set to the new character set. *Korst* thus does not

disclose anything even remotely related to “identifying a trigger byte string that will act as a trigger” and certainly does not disclosed identifying such a trigger byte string that will indicate *the suspension of printing of graphics*. In fact, graphics are not addressed at all in any way in *Korst* and the term graphics is not even used in the reference.

Second, the Examiner contends that *Korst* discloses “determining whether said input byte stream includes said triggering byte string.” As explained above, *Korst* does not identify a trigger, so there is no way the reference can disclose determining whether the trigger byte string occurs in an input byte stream. At best, *Korst* discloses reviewing an input stream for individual characters, which are decidedly not *byte strings*, and then discloses replacing them using the replacement character set, which has nothing to do with identifying a trigger byte string.

Third, the Examiner contends that *Korst* discloses “suspending the printing of said special effect in response to determining said triggering byte string is in said input byte stream.” The specification in *Korst* relied on by the Examiner simply states that any characters that are supposed to be replaced are, and then the modified data is sent along. Paragraph [0062]. This disclosure has nothing to do with the printing of graphics and does not indicate that printing may be suspended on command. The characters are replaced or they are not, end of story.

Frankly, Applicant is confused how the Examiner could reject any of the claims as anticipated when none of the claim elements are even remotely disclosed in the cited art. MPEP § 2131 (“A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.”)(citing *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987)). *Korst* plainly does not disclose anything about triggers, anything about the printing of graphics or special effects, or anything about controlling the printing of graphics or special effects.

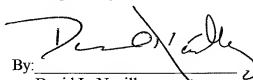
Indeed, the Examiner had to improperly propose modifications to the disclosure of *Korst* just to support the proposition that *Korst* could halt printing operations, about which the reference is utterly silent. It is completely improper to propose changes to the disclosure in a reference and then apply an anticipation rejection. Indeed, the ability to stop the printing of characters is not even disclosed in *Korst*, and the Examiner had to assume the one could include a replacement character that would stop printing. This proposal cannot be found in *Korst*, and there is nothing in *Korst* to suggest that it is possible to stop printing using the character replacement set. Even if one could stop the printing of the print data in *Korst*, the claimed invention is instead specifically directed to the suspension of the printing of graphics using a trigger placed in the input text stream. As *Korst* lacks any teaching on the printing of graphics, the Examiner's modification of *Korst* is as unavailing as it is entirely improper for an anticipation rejection.

### III. 35 U.S.C. § 103(a) Rejections in view of *Korst*

As explained above, *Korst* fails to disclose any of the elements of claimed invention. Accordingly, any proposed combination that relies on *Korst* cannot form the basis for an obviousness rejection. MPEP § 2143.03 ("All claim limitations must be considered").

According, in view of the foregoing amendments as supported by these remarks, the Examiner's reconsideration is requested and allowance of the present application is believed to be in order. If the Examiner believes a phone conference with Applicant's attorney would expedite prosecution of this application, please contact the undersigned at (315) 218-8530.

Respectfully submitted,



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